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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert De Leys  
Bart Vanderborgh  
Eric Saman  
Hugo Van Heuverswyn

Serial No.: 09/851,664

Filing Date: May 9, 2001

For: PROCESS FOR DETECTING HIV-3  
RETROVIRUS (*Amended*)

Art Group No.: 1645

Examiner:

Confirmation No: 4387

Atty. Dkt.: 11362.0025.DVUS03  
INNS:025--3RESPONSE TO NOTICE TO COMPLYCERTIFICATE OF MAILING  
37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202, on the date below:

April 24, 2002  
Date

Paula S. Linkhart  
Paula S. Linkhart

Sir:

This paper is filed in response to the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (Notice to Comply) mailed April 17, 2002, having a two months statutory period for response.

The Notice to Comply states that the Applicants must supply a substitute "Sequence Listing" in computer readable form (CFR) because the initial CRF supplied in December 2001 was damaged in transit. Further any statements as required under 37 C.F.R. 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d) must be provided.

In response to the Notice of Comply, Applicants submit the following items:

1. The instant Response;
2. A return copy of the Notice to Comply;
3. A computer readable form (CRF) of the Sequence Listing; and
3. Statements as required under 37 C.F.R. 1.825 (d) and 1.821 (f), (g).

If the CRF disk submitted with this response is damaged, Applicants request, pursuant to Rule 1.821(e), that the compliant CRF supplied in the parent application SN 09/379,270 be used in this application. The sequence listing of the CRF of SN 09/379,270 is identical to the sequence listing of the present application.

It is believed that no fees are due at this time. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. **01-2508/11362.0025.DVUS03**.

Respectfully submitted,



Howrey Simon Arnold & White, LLP  
750 Bering Drive  
Houston, Texas 77057-2198  
(713) 787-1400

Patricia A. Kammerer  
Reg. No. 29,775  
ATTORNEY FOR ASSIGNEE,  
INNOGENETICS N.V.

April 24, 2002



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/851,664	05/09/2001	Robert De Leys	11362.0025.DVUS03 INNS:02

CONFIRMATION NO. 4387

FORMALITIES LETTER



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Patricia A. Kammerer  
HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Drive  
Houston, TX 77057

Date Mailed: 04/17/2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
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*[Signature]*  
*A copy of this notice **MUST** be returned with the reply.*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE